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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/941,003 | 08/28/2001 | Lawrence C. Wang | 105512 | 6206 |

26058 7590 02/16/2005

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| EXAMINER |
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WILLETT, STEPHAN F

| ART UNIT | PAPER NUMBER |
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2142

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,003

Applicant(s)

WANG ET AL.

Examiner

Stephan F Willett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 6 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. PDA is an acronym(s) and/or trademark(s), and thus are unclear. A “short-term connection” is unclear. “narrow” is unclear.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al. with Patent Number 6,553,375.
5. Regarding claim(s) 1, Huang teaches downloading applications from a server. Huang teaches initiating a PDA connection with a server, col. 1, lines 21-22; col. 4, lines 28-29. Huang teaches displaying a menu of programs to a user, col. 5, lines 53-55. Huang teaches selecting,

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user selection, retrieving and copying said program/application, col. 5, lines 55-56. Huang teaches executing programs on the PDA, col. 4, lines 43-47, 54-56. Huang teaches the programs using the PDA's facilities, col. 4, lines 56-59. Huang teaches the programs exchanging information with one another, col. 4, lines 63-67.

Claim Rejections - 35 USC § 103

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103 and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. with Patent Number 6,553,375 in view of Lindholm with Patent Number 5,859,982.

4. Regarding claim(s) 2-3, 19, 24, Huang teaches downloading applications from a server. Huang teaches initiating a PDA connection with a server, col. 1, lines 21-22; col. 4, lines 14-21, 28-29. Huang teaches displaying a menu of programs to a user, col. 5, lines 53-55. Huang

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teaches upon user selection, retrieving and copying said program/application, col. 5, lines 55-56.

Huang teaches executing programs on the PDA, col. 4, lines 43-47, 54-56. Huang teaches the programs using the PDA's facilities, col. 4, lines 56-59. Huang teaches the programs exchanging information with one another, col. 4, lines 63-67. Huang teaches a serial port, col. 1, line 53.

Huang teaches the invention in the above claim(s) except for explicitly teaching downloading Java type applications and required conversions via a wireless connection. In that Huang

operates to download programs over a network, the artisan would have looked to the network arts for details of implementing Java code. In that art, Lindholm, a related network system,

teaches "PDAs", col. 2, line 23 in order to provide a network interface. Lindholm specifically teaches Java applications, col. 1, lines 45-50. Lindholm teaches a wireless connection, col. 5,

line 7 and Huang teaches a modem, col. 4, line 31. Further, Lindholm suggests downloading programs, col. 6, lines 34-36 will result from implementing his PDAs. The motivation to

incorporate Java converted code insures that diverse languages are supported. Thus, it would have been obvious to one of ordinary skill in the art to incorporate Java code conversions via a wireless connection as taught in Lindholm into the PDA described in the Huang patent because

Huang operates with diverse languages and Lindholm suggests that optimization can be obtained with Java. Therefore, by the above rational, the above claim(s) are rejected.

5. Regarding claim(s) 4, 22, 26, Lindholm teaches a wireless connection, col. 5, line 7 and Huang teaches a modem, col. 4, line 31.

6. Regarding claim(s) 5, 18, 29, Huang teaches establishment of a broken connection, col. 6, lines 36-43. The Huang and Lindholm patents discloses the method of the preceding claims.

The Huang and Lindholm patents do not explicitly disclose automatically reestablishing a

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connection. However, Official Notice is taken MPEP 2144.03 (a)) that automatically reestablishing a connection in phone networks is well known in the art to insure automatic downloads. It would have been obvious to one of ordinary skill in the art at the time of the application's invention to automatically reestablish a connection in a phone network to obtain the advantages of automatic downloads. By the above rational, the claim is rejected.

7. Regarding claim(s) 6-7, 20, 27-28, Huang teaches terminating a connection, col. 6, lines 32-36 based on a user's entry, col. 27.

8. Regarding claim(s) 8, Huang teaches the invention in the above claim(s) except for explicitly teaching releasing program or flushing memory. In that Huang operates to download programs over a network, the artisan would have looked to the network arts for details of implementing Java code. In that art, Lindholm, a related network system, teaches "PDAs", col. 2, line 23 in order to provide a network interface. Lindholm teaches releasing a saved program from memory by a user as "flushing criteria", col. 9, lines 32-39. Further, Lindholm suggests downloading programs, col. 6, lines 34-36 will result from implementing his PDAs. The motivation to incorporate memory flushing insures that there is enough memory. Thus, it would have been obvious to one of ordinary skill in the art to incorporate memory flushing as taught in Lindholm into the PDA described in the Huang patent because Huang operates with limited PDA memory and Lindholm suggests that optimization can be obtained by memory flushing.

Therefore, by the above rational, the above claim(s) are rejected.

9. Regarding claim(s) 9-10, Huang teaches synchronizing with the server and PDA, col. 4, lines 33-37.

10. Regarding claim(s) 11, 21, Huang teaches receipt of menu information at the PDA, col. 5,

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lines 53-55.

11. Regarding claim(s) 12, Huang teaches retrieving only sufficient menu information to be merged with existing information as “to modify [and update] the application list”, col. 5, lines 52-53, 61-64; col. 6, lines 8-14.

12. Regarding claim(s) 13, Huang teaches a serial port, col. 1, line 53.

13. Regarding claim(s) 14, Lindholm teaches converting data formats as “portability”, col. 1, line 51-56 with reasons to combine above for claim 2.

14. Regarding claim(s) 15, Huang teaches PDA resident programs col. 1, lines 22-23.

15. Regarding claim(s) 16, Huang teaches narrow or low bandwidth connections, col. 3, line 26-27.

16. Regarding claim(s) 17, 23, Huang teaches encryption, col. 6, lines 4-7.

17. Regarding claim(s) 25, Huang teaches multiple connections or threads and the PDA sending data, col. 6, lines 39-43, 2, respectively.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. A close review of the Johnson reference with Patent Number 5,923,885 and Fulton reference with Patent Number 6,772,192 are suggested. The other references cited teach numerous other ways to adapt RSVP to wireless networks, thus a close review of them is suggested.

7. Any inquiry concerning this communication or earlier communications from the

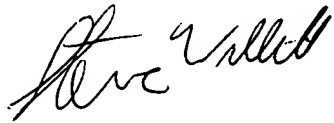
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examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.

sfw

A handwritten signature in black ink, appearing to read "Stephan Willett", written over the typed name.

February 6, 2005